

REGULAR MEETING – MAY 26, 2009

The Board of County Commissioners, Walton County, Florida, held a regular meeting on May 26, 2009 at 4:00 p.m., at the Walton County Courthouse in DeFuniak Springs.

The following Board members were present: Commissioner Sara Comander, Chair; Commissioner Scott Brannon, Vice-Chair; Commissioner Larry Jones; Commissioner Cecilia Jones; and Commissioner Kenneth Pridgen. Mr. Ronnie Bell, County Administrator; Attorney Mike Burke, County Attorney; and Ms. Martha Ingle, Clerk of Courts, were also present.

Commissioner Comander led the invocation followed by the Pledge of Allegiance to the American Flag. Chairman Comander called the meeting to order.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the Consent Agenda as follows. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

1. Approve Expenditure Approval List (EAL)	
General Fund	\$ 1,369,972.53
County Transportation	\$ 409,887.29
SHIP	\$ 19,528.60
Fine & Forfeiture	\$ 921,291.00
Section 8 Housing	\$ 115,839.61
Tourist Dev. Council	\$ 1,084,483.99
N.W. Mosquito Control	\$ 1,402.16
W. Co. Library	\$ 14,406.23
Recreation Plat Fee	\$ 7,436.08
Public Safety- 911	\$ 9,597.33
Solid Waste Enterprise	\$ 210,803.41
Sidewalk Fund	\$ 93,860.31
Bldg Dept/Enterp. Fund	\$ 5,249.03
Imperial Lakes MSBU	\$ 1,000.00
Inmate Canteen Fund	\$ 11,879.51
Daughette Subdivision	\$ 1,250.00
Capital Projects Fund	\$ 480,485.69

Totals \$ 4,758,372.77

2. Approve Minutes of May 11, 2009 Regular Meeting
3. Approve to surplus four computers from the Walton County Clerk's Office
4. Approve to surplus one truck from the Building Department and transfer it to the Animal Control Department
5. Approve to surplus one computer from the Public Works Department
6. Approve to surplus two Panasonic Laptop Computers and two Dell Computers from the GIS Department

Mr. Ronnie Bell, County Administrator, requested approval for the Library to apply for a Youth Literacy Grant from the Dollar General Corporation. The maximum grant amount is \$3,000 with no local match required.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Youth Literacy Grant application in the amount of \$3,000 with no local match required. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented for approval the appointment of Ms. Connie Niehaus to the Design Review Board. She will be replacing Ms. Sue Grill who has recently moved from the area.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to appoint Ms. Connie Niehaus to the Design Review Board. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. Chairman Comander instructed Mr. Bell's office to send a thank you letter to Ms. Grill.

Mr. Bell requested direction for staffing and operating the new Animal Control Shelter. He said that there were three different options from which to choose: AA - County contracts out the operations; MM - Public private partnership; and ZZ - County operates shelter with either option A or B. He stated that the new facility will be

operational by October 1, 2009. If the Board wished to consider option AA then a Request for Proposals (RFP) would be needed. Chairman Comander felt that Option ZZ with option A would be appropriate. Commissioner L. Jones suggested advertising for a RFP to see what is available before making a final decision. Commissioner Pridgen stated that information is also needed to perform the task in-house. Chairman Comander questioned whether a veterinarian would be hired by the county or the company being contracted. Mr. Bell stated that it would be provided in the proposal. Commissioner Brannon asked if all information would be available to quickly expedite the process. Mr. Bell stated that it would. He said the proposals would be presented to the Board for consideration by the end of July.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to allow staff to move forward in preparing and advertising RFP's for operation of the Animal Control Facility.

Chairman Comander felt that the costs of all options should be included. Commissioner L. Jones stated that those costs would automatically be compiled and considered.

Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented the E911 Equipment Installation and Maintenance Agreement with Embarq (\$406,190.69-installation, \$78,422.04-maintenance). The funding is a part of the Regional E911 Grant System. He recommended approval.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the E911 Equipment Installation and Maintenance Agreement (\$406,190.69-installation,

\$78,422.04-maintenance). Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell requested that the Emergency Debris Removal Contract with Crowder Gulf be amended to extend the contract from September 7, 2009 to December 31, 2009. Hurricane season ends on November 30 and this would make the contract effective through one month following the season. New proposals will be sought for the next year at the end of the season.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the Emergency Debris Removal Contract amendment to extend the expiration date to December 31, 2009. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented for first reading the proposed changes to the Inmate Fee Schedule Resolution. The proposed resolution reflects the changes in services and costs, medical included. Monies collected from the commissary commissions, and telephone will be placed in the Inmate Welfare Fund; and monies collected for subsistence and medical fees will go in the General Revenue Fund. He said that the final draft would be placed on the next agenda for board consideration. Chairman Comander felt that the fees should be fully enacted to curb property destruction.

Mr. Bell presented a request from the Probation Office to enter into an agreement with SC Services for debt collection services. An RFP was advertised with no response. SC Services will add a service fee of 40% to the total amount due the county.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve an agreement with SC Services. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented a request from Seaside Neighborhood School to hold their 8th Annual Seaside Half Marathon and 5K Run. He recommended approval.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to approve the 8th Annual Seaside Half Marathon and 5k Run. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented the results for the Four Mile Village MSBU. He said that 48 ballots were sent out. There were 31 ballots returned with 24 yes votes and 7 no votes. He recommended moving forward with the second ballot to determine the cost per lot; and engage Government Services Group to process and assess the second ballot. The cost would be borne by the Four Mile Village Homeowners Association.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to move forward with the second ballot to determine the cost per lot; and engage Government Services Group to process and assess the second ballot. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented a resolution (**2009-56**) to consider designating the portions of US Highway 331 from the Alabama State line to US Highway 98 through the unincorporated areas of Walton County as “Beach Highway.” Similar resolutions were adopted in Crenshaw County and the City of Opp, Alabama. Upon adoption, the resolution will be sent to the State for designation. This designation would make available possible improvements such as four laning.

Motion by Commissioner Pridgen, second by Commissioner Jones, to adopt a resolution (2009-56) designating the portions of US Highway 331 from the Alabama State line to US Highway 98 through the unincorporated areas of Walton County as “Beach Highway.” Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented for discussion the proposed changes to commission meeting procedures, agenda submission forms, and agenda. He briefly reviewed the changes. Chairman Comander stated that the invocation and the Pledge of Allegiance will be said at the beginning of the meeting prior to the roll call. Mr. Bell stated that there will be two separate agenda submission forms: public and county.

Chairman Comander stated that she had received comments regarding the time limit and no debate. She suggested that no debate be stricken and replaced with “extension of time may be granted at the discretion of the Chair.” She said that agenda items will be placed under the relevant department (i.e. road issues under Public Works).

Mr. Bell stated that at one time people who planned on commenting on an issue were required to sign in. He suggested considering having someone available to sign in all speakers.

Commissioner L. Jones voiced concern that “shall” was stricken from section I, paragraph D, sub paragraph 5. He felt that the language needed to be clear that the Board does not arbitrarily decide who is allowed to speak. Attorney Mike Burke, County Attorney, stated that the issue has to be within the Board’s jurisdiction. The policy language will allow for determination as to whether the issue could be settled without having to come before the Board. Commissioner L. Jones stated that everyone has a right

to come before the Board with legitimate issues. Commissioner Brannon stated that the portion of the agenda designated for Public Comment would be available for additional comments.

Commissioner L. Jones voiced concern over the language in section II, paragraph D. He suggested changing the language to reflect that a vote will be made to call for question.

Mr. Bell stated that the new submission forms will be made available online upon approval by the Board.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the agenda format, meeting procedures, and submission forms with the changes as recommended.

Ms. Anita Page felt that section I, paragraph D, sub-paragraph 3 was a good provision and should not be stricken. She said that it provided a good definition for add-ons, and determined who is allowed to present add-ons. Mr. Bell stated that the item could be left in the document and recommended adding the Tourist Development Executive Director to the list of presenters. Chairman Comander suggested eliminating item three and adding the language to item two. Commissioner L. Jones suggested noting the language and its changes to the agenda format under Approval of Agenda, Addition or Deletion of Items. Attorney Burke stated that the agenda will not be finalized until the Board has voted on it at the meeting. He suggested that time sensitive items be notated as such.

Motion amended by Commissioner Brannon, second by Commissioner Pridgen, to not remove section I paragraph D sub-paragraph 3, and add the Tourist Development Executive Director to the list of authorized presenters.

Mr. Bob Hudson felt that language clarification was needed. He spoke against having items added on without prior notification to the public. He voiced concern against the potential-sign in list for speakers, and the new time limit of five minutes. He felt that more time should be given, especially for more intricate issues. He urged the Board to listen to public comments regarding the changes in the procedures. Chairman Comander addressed Mr. Hudson's concerns. She said that setting a five minute time limit allowed the Board to hear all issues and gives a format to follow. Attorney Burke addressed the public hearing list. He said that the intent was to have everyone's name and to give order to the meeting.

Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Chairman Comander recognized the return of Mr. Kevin Chilcutt, WZEP News Director, who has been recuperating after a recent motorcycle accident.

Mr. Bell presented a request from Mr. John Heiser, Howard Group, to draft an ordinance restricting solicitation activity along Highway 98 in front of Silver Sands Outlet Mall. Groups would have to follow certain guidelines to be able to solicit at intersections. He said that DOT relayed that the issue should be handled locally. He also reported that the City of DeFuniak Springs requires a permit for solicitation.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to direct staff to draft an ordinance regulating solicitation activity along the unincorporated areas

on State and County Highways. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell requested that the June 23, 2009 Commission Meeting be rescheduled to June 30, 2009 due to the attendance of four Commissioners to the Florida Association of Counties Conference. The rescheduled meeting will be held at the Walton County Courthouse in DeFuniak Springs. The second public hearing for the Noise Ordinance will also be held at that meeting.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to reschedule the June 23, 2009 Commission Meeting to June 30, 2009. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell requested to surplus two EMS units pulled from the recent county auction, one unit will be utilized by the Sheriff's Department and the other by the Freeport Fire Department.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the surplus of two EMS units to the Sheriff's Department and the Freeport Fire Department. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell requested approval of a proposed easement from CHELCO. CHELCO has been contacted to install lighting at the impound yard currently under construction at the Sheriff's Department.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to approve the proposed easement as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Tina Joshua, Partnership Specialist with the US Census Bureau, stated that a constitutionally mandated census is to be taken every ten years. She reported that in 2000, Walton County's response rate was 56 percent. She requested that a Complete County Committee be formed to conduct an awareness campaign to increase the number of responses. There are \$300 billion in funds allocated annually based on census data. She asked that a liaison be appointed to work with her to form the committee. She said that the census questionnaires will be mailed in March, 2010. Chairman Comander suggested that Mr. Ken Little, Citizen Services, be appointed as liaison.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to allow Mr. Ken Little to work with the U.S. Census Bureau in distributing information for the 2010 Census. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Attorney Burke presented the Interlocal Agreements with the Sheriff for E911 and Emergency Management. He stated that the agreements would be voted on as two separate issues. He briefly reviewed details of the E911 agreement. Mr. Bell briefly reviewed the details of Exhibit A (page 5). Commissioner L. Jones asked if item nine required Board approval. Mr. Bell confirmed that all plans must be Board approved. Commissioner L. Jones voiced concern that the language does not show that Board approval is needed. Chairman Comander asked if a time frame was attached to both agreements. Attorney Burke stated that the agreements have a time frame of June 1, 2009 with a termination date of September 30, 2010. Each agreement will automatically renew on October 1, each year for one year terms. Notice of intent to terminate the contract must be received prior to June 1. Attorney Burke stated that the Board is contracting with

the best suited constitutional officer to perform management duties on their behalf. Chairman Comander voiced concern that the transition period is too long and should be shortened to 90 days. The Commissioners and Sheriff's Department concurred to change the transition period to 90 days. Commissioner Brannon recommended adding to item nine "and seek approval of the BCC" after the word update. Attorney Burke recommended that "Board approval" should be specifically stated on each item that would require such approval. Commissioner L. Jones questioned whether the budget would be sufficient for the transition. Mr. Bell stated that the clause was added so that if in the case of extreme conditions, the Board could be petitioned for the needed funds.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the E911 Interlocal Agreement with the recommended changes. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Attorney Burke presented the Interlocal Agreement with the Sheriff for Emergency Management. This document states that the Sheriff will be appointed as Emergency Services Coordinator. He briefly reviewed the points of the agreement. The terms are the same as the E911 Interlocal Agreement. He said this agreement could also be changed to reflect a 90 day transition provision. Commissioner Brannon asked what the determination process was to declare a state of emergency. Attorney Burke stated that the established procedure was that the County Administrator is contacted; he in turn contacts the Board Chair who then declares the state of emergency. Chairman Comander questioned whether "shall" should be replaced with "may" in item 10. Mr. Bill Chapman, Undersheriff, preferred the language be changed to "may." Chairman Comander recommended that item 12 reflect the 90 day change. Attorney Burke

recommended Exhibit A be changed to state “Board approval” on items requiring approval. The Board concurred to the change.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Emergency Management Interlocal Agreement with recommended changes. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Burke presented a resolution (**2009-57**) naming Sheriff Mike Adkinson as the Emergency Management Director for Walton County and transferring the Emergency Management and E911 functions including the day to day operations to the Sheriff.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt a resolution (**2009-57**) naming the Sheriff as Emergency Management Director and transfer the Emergency Management and E911 functions to the Sheriff. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Attorney Burke stated that Mr. Bell would send a letter and a copy of the resolution to the State notifying them of the appointment.

Commissioner Brannon requested that the county move forward with obtaining an appraisal of a 40 acre parcel adjacent to the Morrison Springs boil. He said that he and Mr. Bell have scheduled meetings with the Water Management District to discuss Florida Forever Funding for the purchase of the property.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to move forward with obtaining the appraisal of the 40 acre parcel adjacent to the Morrison Springs boil. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Commissioners Pridgen, L. Jones, and C. Jones had no items to present.

Chairman Comander asked that Mr. Bell address the change in entrances for the Board Meetings held in DeFuniak Springs. Mr. Bell stated that an incident that occurred during the last meeting held in DeFuniak Springs has caused the change in security measures. Everyone will now be required to enter the east entrance of the Courthouse and pass through security to attend the Commission meetings.

Chairman Comander called for additional public comment. There were no additional comments.

The meeting recessed at 5:19 pm and reconvened at 5:40 pm

Ms. Pat Blackshear, Growth Management Director, stated that additional responses have been submitted to the Planning Department regarding the proposed EAR Based Amendment to the Future Land Use Element (FLUE) of the Walton County Comprehensive Plan. She requested that the EAR Amendments be continued to June 9, 2009 to address the comments and incorporate revisions into the document.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to continue the EAR Based Amendment to the Future Land Use Element until June 9, 2009.

Chairman Comander stated that she wanted to see a provision included to set a time frame to have the zoning designations in place. Ms Blackshear stated that once the EAR is in compliance with DCA then staff could move forward with the zoning. She also said that language for zoning has been provided in the FLUE. The draft will be available for review no later than June 3, 2009.

Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Blackshear requested that staff be allowed to advertise two public hearings to consider extending the Height Limit Ordinance until the end of the appeal period for the Notice of Intent to Find in Compliance the adopted EAR Amendments. She asked that a date certain not be included but instead link it to the compliance of the EAR Amendments so that it will not have to come back to the Board.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to direct staff to advertise for two public hearings to consider extending the Height Limit Ordinance and have the sunset date in compliance with the EAR Amendments. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Attorney Burke requested that staff be directed not to accept any project application that proposes to exceed the current height limit (50 feet).

Motion by Commissioner L. Jones, second by Commissioner Brannon, to direct staff not to accept applications for projects over 50 feet. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

The Quasi Judicial hearing was called to order and Attorney Burke administered the oath to those intending on speaking.

Mr. Gary Demers, Development Services Division, presented Mack Bayou Office Building, a major development order application submitted by Jenkins Engineering, Inc., consisting of re-development of an existing structure on .517 acres with a future land use of NPA/infill. The site is located on Mack Bayou Road, approximately .8 mile north of U.S. 98. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report. There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve Mack Bayou Office Building contingent upon the conditions as stated in the Staff Report.

Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

(Exhibit: Staff Report)

There being no further items to discuss, the meeting was adjourned by Commissioner Brannon at 5:47 pm.

APPROVED _____
Sara Comander, Chair

ATTEST _____
Martha Ingle, Clerk of Courts